

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

JAMES E. SHEPHERD,	)	
	)	
Plaintiff,	)	Civil Action No. 2:12-cv-483
	)	
v.	)	Judge Arthur J. Schwab
	)	Chief Magistrate Judge Lisa Pupo
PITTSBURGH GLASS WORKS, LLC,	)	Lenihan
	)	
Defendant.	)	ECF No. 7
	)	
	)	

**MEMORANDUM ORDER**

The Complaint in the above captioned case was filed in the Court of Common Pleas of Allegheny County, Pennsylvania on or about March 1, 2010. Subsequently, this action was removed to this Court by Defendant on April 13, 2012, and was referred to Chief United States Magistrate Judge Lisa Pupo Lenihan for pretrial proceedings in accordance with the Magistrate Judges Act, 28 U.S.C. §636(b)(1), and Local Rules of Court 72.C and 72.D. On May 11, 2012, Plaintiff filed a Motion for Remand, Costs and Expenses (ECF No. 7).

The Magistrate Judge's Report and Recommendation (ECF No. 10), filed on July 9, 2012, recommended that the Motion for Remand filed by Plaintiff, James E. Shepherd (ECF No. 7), be granted and the case be remanded to the Court of Common Pleas of Allegheny County, Pennsylvania forthwith. The report and recommendation further recommended that Plaintiff's request for an award of costs and expenses be granted and Plaintiff be ordered to file a petition for fees and costs, including supporting documents and/or affidavit(s). Service was made on all counsel of record. The parties were informed that in accordance with the Magistrate Judges Act, 28 U.S.C. §

636(b)(1)(B) and (C), and Rule 72.D.2 of the Local Rules of Court, that they had fourteen (14) days to file any objections. Defendant filed objections to the Report and Recommendation on July 23, 2012. Plaintiff filed a response to Defendant's objections on August 2, 2012.

After a *de novo* review of the pleadings and documents in the case, together with the Report and Recommendation, objections thereto, and response to objections, the following Order is entered:

**AND NOW**, this 13<sup>th</sup> day of August, 2012,

**IT IS HEREBY ORDERED** that the Motion for Remand filed by Plaintiff, James E. Shepherd (ECF No. 7), is **GRANTED**. The Clerk of Court is Ordered to remand this case to the Court of Common Pleas of Allegheny County, Pennsylvania forthwith.

**IT IS FURTHER ORDERED** that Plaintiff's request for an award of costs and expenses is **GRANTED**. Plaintiff shall file a Petition for Costs and Expenses with appropriate supporting documentation on or before August 27, 2012. Defendant shall file its Response to the Petition for Costs and Expenses on or before September 10, 2012.

**IT IS FURTHER ORDERED** that the Report and Recommendation (ECF No. 10) of Chief Magistrate Judge Lenihan, dated July 9, 2012, is adopted as the opinion of the Court.

s/ Arthur J. Schwab  
ARTHUR J. SCHWAB  
United States District Judge

cc: All Counsel of Record  
*Via Electronic Mail*